

PROCEDURES FOR FILING AN ADMINISTRATIVE CLAIM

Claimants must complete the claim format at attachment 2 and provide the information listed below. Claimants must show proof that they were harmed by the improper charging of military leave for Reserve duty on intervening weekends or nonworkdays. What does this mean to the claimant? Generally, each claimant must prove that annual leave or LWOP was charged for a period of active duty military orders due to the improper charge to military leave on an intervening weekend or nonworkday. How can that be proven? The claimant must submit a copy of the active duty military order(s) that first caused the erroneous charge to military leave and the follow-up active duty military order(s) that required the member to be charged annual or LWOP.

Appropriated fund employees of the Department of Defense or other agencies that are or were payrolled by the Defense Civilian Pay System (DCPS) who choose to seek restoration of annual leave (or former employees² who wish payment) for military leave charged for nonworkdays, may file an administrative claim with the Defense Finance and Accounting Service (DFAS) under the following rules. Such claims are subject to the Barring Act, found at 31 U.S.C. §3702, which provides that claims against the United States must be received by the Government within 6 years after the claim accrues. Only leave amounts that accrued within the 6 years preceding the filing of the claim with the Government may be restored or paid for under these procedures. Restoration of leave or alternatively payment under an administrative claim filed under these procedures will be a final settlement of all claims, no matter when they accrued, that current or former employees may have against the Government arising from military leave charged for nonworkdays. Restored annual leave under this claim must be used by the employee by the end of the leave year beginning within 2 years after the date of restoration or the leave will be forfeited, in accordance with 5 U.S.C. 6304(d)(1)(a) and 5 CFR 630.306.

Examples of the 6 year period for claims would be as follows:

Claim Filed	Audit Period
1999	Back to 1993
2000	Back to 1994
2001	Back to 1995
2002	Back to 1996
2003	Back to 1997
2004	Back to 1998
2005	Back to 1999

It should be noted that if a claimant requests restoration of military leave rather than annual leave the same information must be provided with the claim and proof of harm must still be shown. If loss of leave is proven, military leave will be restored to the claimant.

² Former employees are those who have separated from government employment.

Any restored military leave is subject to the maximum carry over of 30 days. Any adjustment of military leave that would cause the claimants balance to exceed the limits set by law would be forfeited.

All claims must be submitted to the DFAS payroll office(s) central post office box, where information is imaged and flowed to the appropriate payroll office for processing. The mailing address for DFAS (give name of payroll office) is, PO Box 33717, Pensacola, FL, 32508-3717. To help employees determine their servicing payroll office, they need to look at their current or former Leave and Earnings Statement and locate the payroll office identification (ID) number (POIN). A listing (attachment 3) will translate that POIN to the payroll office name. Former and current employees must provide the following documentation, a completed claim format (attachment 2), indicating the specific dates of active duty (FROM/TO) during which annual leave or LWOP was charged for nonworkdays or intervening weekends. Attach a copy of the order to active duty and a copy of the certificate of attendance for each period of active duty claimed. Former employees (still employed in the Federal government) who were payrolled by DCPS and intend to file a claim with DFAS must include a mailing address for their current payroll office. This address is required so that the DCPS payroll office(s) will be able to send a corrected Record of Leave Data (SF 1150) with the restored annual leave balance for recredit to you by your current payroll office. Note payroll offices will enter the restored annual leave amount in the Restored column under the Summary of Annual and Sick Leave heading and the date of the restored annual leave in block 24 remarks.

Upon receipt of the completed claim package, the servicing payroll office will audit the leave records against the sets of orders provided. Any erroneous charges to annual leave or LWOP will be adjusted and an amount of restored annual leave will be credited, if applicable, to the claimant's account if the claimant is still an employee of the Federal government. Restored annual leave under this claim must be used by the employee by the end of the leave year beginning within 2 years after the date of restoration or the leave will be forfeited, in accordance with 5 U.S.C. 6304(d)(1)(a) and 5 CFR 630.306.

If the claimant has separated or retired, a payment will be made to the claimant to settle the erroneous charges to annual leave or LWOP using the agency's current appropriations. All former employees must provide a current mailing address so the payment can be made to them.

If the audit finds that intervening weekends or nonworkdays did not result in charges to annual or LWOP, the claimants (current or former) will have no entitlement to restored leave or payment and the claim will be sent back to the current or former employee stating that there was no harm found for the period(s) of the claim.